

Remarks

Upon entry of the foregoing amendments, claims 1, 3-7, 9-21, and 23-29 are pending in the application and claims 1, 3-7, 9-21, 23-26, 28 and 29 are amended. No new matter has been introduced by these amendments and their entry is respectfully requested.

Specification

A substitute specification is submitted herewith. The specification amends the reference characters to accord with the amended drawings, as discussed below. These amendments present no new matter and their entry is respectfully requested.

Objection to the Drawings

The drawings are objected to for various informalities related to the reference characters. A set of replacement drawings and a corresponding replacement specification are submitted herewith addressing these objections. Accordingly, Applicant respectfully requests withdrawal of the objection.

Rejections under 35 U.S.C. § 112

Claims 1, 3-7, 9-12, 14-21, and 23-29 stand rejected under 35 U.S.C. 112 first and second paragraph for various issues related to the recitation of the limitation “a concave, curved leading edge.” This amendment was a typographical error in the last action, and has been corrected to recite “a convex leading edge,” thereby obviating the rejection. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim 13 stands rejected under 35 U.S.C. 112, first paragraph because the alignment gauge is allegedly not described in a manner that is clear and easy to comprehend. Applicant respectfully traverses this rejection.

An embodiment of the alignment gauge is described in paragraph 67 of the present application and is illustrated in Figure 6, ref. 645. As described, the alignment gauge comprises a light transmitting material that collects light and channels it through the cover. In conjunction with the illustration, it is clear that this embodiment is a cylindrical or rectangular object that has one face projecting from the external surface of the cover and one face projecting from the internal surface of the cover. As further described, light is limited from entering the external facing portion unless the gauge is directly aligned with the sun. Accordingly, a user within the coverage area may determine if the cover is properly aligned by whether light is emitted from the internally projecting face of the light transmitting material. The description in paragraph 67, and the accompanying illustration clearly convey this to one of ordinary skill, and its construction is enabled by this description. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim 27 stands rejected under 35 U.S.C. 112, first paragraph because “an actual visor extension is never disclosed in the specification – it only refers to a ‘visor extension length.’” Claim 27 has been canceled, however claim 1 now recites “a visor extension,” and so the objection is addressed for convenience to the Examiner. Applicant respectfully traverses this rejection. The term “visor extension” is disclosed numerous times in the specification independently of the term “visor extension length.” For example, paragraph 52 of the current application recites: “FIG. 5 shows an side elevation view of a stationary covering device **500** having a fixed vertical support mechanism **530** from below the

canopy. The fixed vertical support mechanism **530** , shown as a pole, fastens at or directly below, the asymmetrical vertex point **550** of the canopy between two unequal extensions of the cover, i.e., the exemplary octagonal extension **510** and the visor extension **520**”

Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim 27 further stands rejected under 35 U.S.C. 112, second paragraph because of the recitation of “a visor extension”. As described above, in the underlined portion of the specification, and else where, the visor extension is an extension of the cover. As originally recited in the claims, “the cover projects with unequal extensions.” The “visor extension” is one of these “unequal extensions.” Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claims 4 – 7, 9, 18, 21, and 23, are rejected under 35 U.S.C. 112, second paragraph because of antecedent basis for the limitations, “the one or more traversal support members” ; “at least one of the one or more support ribs”; and “the pliable material.” After amendments, each of these limitation has proper antecedent basis. Accordingly, Applicant respectfully requests withdrawal of the rejections.

Rejection under 35 U.S.C. § 103(a)

Claims 1, 3-7, 9-12, 14, 16-21, and 23-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Earnshaw (US 5,086,797) in view of Kida (US 4,474,201). For at least the reasons set forth below, Applicant respectfully traverses this rejection.

Earnshaw in view of Kida fails to teach or suggest each and every limitation of the claims. After amendment, claim 1, from which the remainder depend, recites the limitations of a “visor extension that is supported by a main support member and a

plurality of adjacent support members, the plurality of adjacent support members having a length less than a length of the main support member and wherein the main support member creates an apex for the convex leading edge, wherein the apex is configured to allow the cover to be aligned with respect to the sun to provide the adjustable coverage zone.” Earnshaw in view Kida fails to teach or suggest these limitations.

Earnshaw in view of Kida fails to teach or suggest a main support member having a length less than a plurality of adjacent support members. Earnshaw is silent on the specifics of the canopy, and Kida fails to teach or suggest these limitations. Rather, in Kida, the support members 18 are all of equal length (Kida, Fig. 4, ref. 18).

Furthermore, Earnshaw in view of Kida fails to teach or suggest an apex formed by a main support member that is configured to allow a cover to be aligned with respect to the sun to provide an adjustable coverage zone. Both Earnshaw and Kida are completely silent with respect to an apex of a convex leading edge and with respect to using such an apex for alignment.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim 15 stands rejected under 35 U.S.C. 103 as being unpatentable over Earnshaw in view of Kida and further in view of Ma (US Pub 2002/0129847). Claim 15 is distinguished from Earnshaw and Kida by virtue of its dependence on claim 1, as discussed above. Ma fails to cure the deficiencies of Earnshaw and Kida with respect to claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim 29 stands rejected under 35 U.S.C. 103 as being unpatentable over Earnshaw in view of Kida and further in view of Freedman (US Pub 2002/0129847). Claim 29 is distinguished from Earnshaw and Kida by virtue of its dependence on claim 1, as discussed above. Freedman fails to cure the deficiencies of Earnshaw and Kida with respect to claim 1. Furthermore, claim 29 has been further amended to recite the limitation that the alignment gauge comprises “a light transmitting material extending through the cover.” The references fail to teach or suggest this limitation. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim 13 stands rejected under 35 U.S.C. 103 as being unpatentable over Earnshaw in view of Freedman. Claim 13 has been amended to recite the limitation that the alignment gauge comprises “a light transmitting material extending through the cover.” The references fail to teach or suggest this limitation. Accordingly, Applicant respectfully requests withdrawal of the rejection.

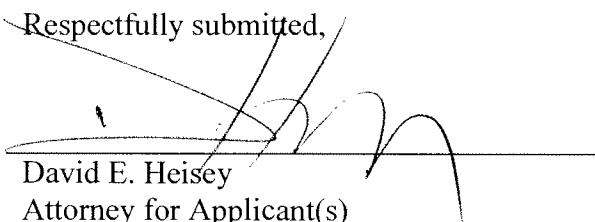
Conclusion

In view of the above, favorable reconsideration and allowance of claims 1, 3-7, 9-21, 23-26, and 28-29 is solicited. The Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-4562 referencing the Atty. Docket No. noted above. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Date: October 23, 2009

Respectfully submitted,



David E. Heisey
Attorney for Applicant(s)
Reg. No. 42,651

SHEPPARD MULLIN RICHTER
& HAMPTON LLP
333 S. Hope Street, 48th Floor
Los Angeles, CA 90071
Telephone No.: (858) 720-8936
Facsimile No.: (858) 509-3691